

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



Regulation Package # 0507-02

CDSS MANUAL LETTER NO. CCL-08-08

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22,
DIVISION 6, CHAPTER 9.5, FOSTER FAMILY HOMES

Regulation Package # 0507-02**Effective 8/8/08****Sections 89317, 89318, 89378 and 89405**

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG642.htm> .

Proposed regulatory amendments would incorporate provisions of AB 1412 into regulations for all Children's Residential facilities. Amendments have been made to the licensee duties and responsibilities section of small family home (SFH); needs and services plan sections of group home (GH), transitional housing placement program (THPP), and foster family agency (FFA); social work personnel section of FFA; and responsibility for providing care and supervision section of standalone foster family home (FFH) regulations.

Proposed regulatory amendments would incorporate AB 458 nondiscrimination training provisions into regulations for all Children's Residential facilities. Amendments have been made to the licensee duties and responsibilities section of SFH; initial certification training program approval requirements of GH; personnel requirements sections of all GH; plan of operation section of FFA; and training requirements section of standalone FFH regulations. Proposed regulatory amendments would incorporate the provider nondiscrimination provisions of AB 458 by amending the applicant qualifications sections of general licensing requirements, SFH, and standalone FFH regulations.

Proposed regulatory amendments would incorporate AB 2661 provisions by adding a definition of "placement hold" to the definitions section of FFA regulations. An Application for Certification section would be added to regulations to outline information that applicants for family home certification must provide to FFAs, information that FFAs must provide to applicants for family home certification, and reference checks that FFAs must make before an applicant is certified as a family home.

A Civil Penalties section would be added to FFA regulations to outline a schedule of immediate and repeat civil penalties that will apply when a FFA is cited for failing to provide the department with information about certified and decertified family homes. Immediate and daily civil penalties of \$50.00 would apply when an agency fails to

provide the department with a log of certified and decertified family homes or fails to notify the department about its decision to decertify a family home, until it corrects the violation. An immediate civil penalty of \$150.00 and daily civil penalty of \$50.00 would apply when an agency repeats the same violation within 12 months.

These regulations were considered at the Public Hearing held on March 12, 2008

FILING INSTRUCTIONS

The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-08-07. The latest prior manual letter containing Foster Family Homes regulation changes was Manual Letter No. CCL-07-07.

<u>Page(s)</u>	<u>Replace(s)</u>
1 and 2	Pages 1 and 2
74 and 75	Pages 74 and 75
82 and 83	Pages 82 and 83
90 through 93.1	Pages 90 through 93

Attachments

NH

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Article 3. LICENSE/APPROVAL STANDARDS**89317 NONDISCRIMINATION OF APPLICANTS****89317**

- (a) Any adult shall be permitted to apply for a license or approval regardless of age, sex, race, religion, color, political affiliation, national origin, disability, marital status, actual or perceived sexual orientation, gender identity, HIV status, or ancestry.
- (b) Repealed by Manual Letter No. CCL -08-08, effective 8/8/08
- (c) Repealed by Manual Letter No. CCL -08-08 effective 8/8/08

NOTE: Authority cited: Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001); Sections 1530, 1530.5, Health and Safety Code; Reference: Section 51, Civil Code; Sections 1501, 1501.1, 1507, 1507.2, 1507.5, 1520, 1525.3, 1526.5, 1531, and 1562, Health and Safety Code; Section 16013, Welfare and Institutions Code.

89318 APPLICANT QUALIFICATIONS**89318**

- (a) An applicant shall have the following qualifications:
- (1) Ability to provide care and supervision appropriate to the type of children to be served including ability to communicate with the children.
 - (2) Knowledge of and ability to comply with the applicable laws and regulations.
 - (3) Ability to maintain, or supervise the maintenance of, financial and other records.
 - (4) Ability to direct the work of others when applicable.
- (b) An applicant for a foster family home license shall complete an orientation provided by the licensing/approval agency.

NOTE: Authority Cited: Sections 1530 and 1530.5, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001. Reference: Sections 1501, 1501.1, 1507, 1507.2, 1507.5, 1520, 1525.3, 1526.5, 1529.1, 1530.91, and 1562, Health and Safety Code; and Section 51, Civil Code.

89319 CRIMINAL RECORD CLEARANCE REQUIREMENT**89319**

All persons subject to criminal record review shall obtain a criminal record clearance from the California Department of Social Services or county as appropriate. Such review will require submission of completed fingerprints pursuant to Health and Safety Code Section 1522. The licensing/approval agency will also conduct a search of the Child Abuse Clearance Index and child abuse records. The licensing/approval agency may conduct an authorized search of the California Law Enforcement Telecommunications System (CLETS).

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1522 and 1522.1, Health and Safety Code.

89323 EMERGENCY PLAN**89323**

- (a) Each caregiver shall post emergency telephone numbers, discuss emergency situations with children, practice emergency procedures every six months and at time of new placements.

NOTE: Authority Cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1520 and 1531, Health and Safety Code.

89361 REPORTING REQUIREMENTS**89361**

- (a) Each caregiver shall furnish to the licensing/approval agency and the child's authorized representative such reports as required by the Department including but not limited to the following:
- (1) Death of any child from any cause.
 - (2) Any injury or illness to any child which requires medical treatment.

89372 PERSONAL RIGHTS (Continued) 89372

- (B) To be free from unreasonable searches of personal belongings.
- (24) To have all his/her juvenile court records be confidential, consistent with existing law.
- (25) At 16 years or older, to have access to existing information regarding available educational options, including, but not limited to, coursework necessary for vocational and postsecondary educational programs, and financial aid information for these programs.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1520, 1530.9, and 1531, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; and Section 51 (Unruh Civil Rights Act), Civil Code; Section 12921; (California Fair Employment and Housing Act), Government Code.

89373 TELEPHONES 89373

All foster family homes shall have telephone service, unless alternative telephone access is approved and documented.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1520, 1524.7, and 1531, Health and Safety Code.

89374 TRANSPORTATION 89374

The caregiver shall ensure that all transportation provided for children in their care is provided in vehicles that are in safe operating condition and that the drivers comply with all applicable laws.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501 and 1531, Health and Safety Code.

89376 FOOD SERVICE 89376

- (a) The caregiver shall provide or ensure at least three nutritious meals per day and as necessary to meet any special dietary needs documented in the child's Needs and Services Plan.
- (b) Whenever children in placement eat at the home, they will have their meals with family members in a family setting.

89376 FOOD SERVICE (Continued)**89376**

- (c) Infants under seven months shall be held during bottle-feeding.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1520, and 1530, Health and Safety Code.

89378 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION**89378**

- (a) The caregiver shall provide care and supervision as necessary to meet each child's needs, and shall be available at all times unless documented in the child's Needs and Services Plan, placement agreement, or Transitional Independent Living Plan (TILP) or agreed to in advance by the licensing agency.
- (b) The caregiver shall provide those services identified in each child's Needs and Services Plan and Transitional Independent Living Plan (TILP) if applicable.
- (c) The caregiver is responsible for ensuring care and supervision of the child(ren) of any minor parent in placement.
- (d) Unless restricted by the case plan adopted by the court or other court order, the caregiver shall permit and facilitate connections between the foster child and the foster child's family and non-relative extended family members. Nothing in the section shall be interpreted to require a foster care provider to take any action that would impair the health and safety of children in out-of-home placement.
- (1) Direct care and supervision of the child(ren) of a minor parent is to be provided during the hours that the minor parent is unavailable or unable to provide such care and supervision.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1520, 1530.6, 1531, and 1559.110, Health and Safety Code; Section 677, Title 42 United States Code; Sections 366.1, 366.21, 11465 and 16001.9, Welfare and Institutions Code.

89379 ACTIVITIES**89379**

- (a) The caregiver shall provide opportunity for, and encourage participation in, group sports, leisure time, family, special school, and daily living skill activities.
- (b) The caregiver shall ensure direct care and supervision is provided to meet the child's needs during participation in those activities that are sponsored by third parties, except that school-sponsored activities shall be presumed to provide adequate care and supervision.

HANDBOOK BEGINS HERE

When a caregiver is determining whether a sponsor, other than a school, is providing adequate care and supervision, the caregiver should consider who the sponsor is and what supervision and safeguards are in place.

HANDBOOK ENDS HERE

Article 4. PLACEMENT**89400 LICENSURE IS NOT AN ENTITLEMENT TO PLACEMENT****89400**

- (a) A license is required prior to placement, but the license does not entitle the caregiver to placement of a child pursuant to Section 16507.5 of the Welfare and Institutions Code.

HANDBOOK BEGINS HERE

- (1) Welfare and Institutions Code Section 16507.5 provides in part:

The granting of a community care license or approval status does not entitle the caregiver to the placement of a specific child or children. Placement is based on the child's needs and best interest.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501 and 1501.1, Health and Safety Code; and Section 16507.5, Welfare and Institutions Code.

89405 TRAINING REQUIREMENTS**89405**

- (a) Any time a child is in the home, at least one of the persons providing regular and routine care and supervision to the child shall have received current training in first aid and Cardiopulmonary Resuscitation (CPR). Training shall be obtained from an agency offering such training including, but not limited to, the American Red Cross, and shall be current and appropriate to the child's age and needs.
- (b) The caregiver is required to complete training as specified in Health and Safety Code Section 1529.2(b). In addition, the caregiver shall complete First Aid and CPR training as required in Section 89405(a).
- (1) Courses, seminars, conferences or training topics that will be accepted by the licensing agency to fulfill the training requirements in Health and Safety Code Section 1529.2(b)(3) and (4) include but are not limited to:
- (A) Child Development
 - (B) Recognizing and/or dealing with learning disabilities
 - (C) Infant care and stimulation
 - (D) Parenting skills
 - (E) Complexities, demands and special needs of children in placement
 - (F) Building self-esteem, for the caregiver or the children

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89405 TRAINING REQUIREMENTS (Continued)**89405**

- (G) Recordkeeping
- (H) Caregiver rights and grievance process
- (I) Licensing and placement regulations
- (J) Rights and responsibilities of foster family home providers

HANDBOOK BEGINS HERE

(2) Health and Safety Code Sections 1529.2(b) and (c) provides:

“(b) (1) Every licensed foster parent shall complete a minimum of 12 hours of foster parent training, as prescribed in paragraph (3), before the placement of any foster children with the foster parent, In addition, a foster parent shall complete a minimum of twelve hours of foster parent training annually as prescribed in paragraph (4) No child shall be placed in a foster family home unless these requirements are met by the persons in the home who are serving as the foster parents.

“(2) (A) Upon the request of the foster parent for a hardship waiver from the postplacement training requirement or a request for an extension of the deadline, the county may, at its option, on a case-by-case basis, waive the postplacement training requirement or extend any established deadline for a period not to exceed one year, if the postplacement training requirement presents a severe and unavoidable obstacle to continuing as a foster parent. Obstacles for which a county may grant a hardship waiver or extension are:

“(i) Lack of access to training due to the cost or travel required.

“(ii) Family emergency.

“(B) Before a waiver or extension may be granted, the foster parent should explore the opportunity of receiving training by video or written materials.

HANDBOOK CONTINUES

89405 TRAINING REQUIREMENTS (Continued)

89405

HANDBOOK CONTINUES

“(3) The initial preplacement training shall include, but not be limited to, training courses that cover all of the following.

“(A) An overview of the child protective system

“(B) The effects of child abuse and neglect on development

“(C) Positive discipline and the importance of self-esteem.

“(D) Health issues in foster care.

“(E) Accessing education and health services available to foster children.

“(F) The right of a foster child to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

“(4) The postplacement annual training shall include, but not be limited to, training courses that over all of the following:

HANDBOOK CONTINUES

89405 TRAINING REQUIREMENTS (Continued)

89405

HANDBOOK CONTINUES

“(A) Age-appropriate child development.

“(B) Health issues in foster care.

“(C) Positive discipline and the importance of self-esteem.

“(D) Emancipation and independent living skills if a foster parent is caring for youth.

“(E) The right of a foster child to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

"(5) Foster parent training may be attained through a variety of sources, including community colleges, counties, hospitals, foster parent associations, the California State Foster Parent Association's Conference, adult schools, and certified foster parent instructors.

“(6) A candidate for placement of foster children shall submit a certificate of training to document completion of the training requirements. The certificate shall be submitted with the initial consideration for placements and provided at the time of the annual visit by the licensing agency thereafter.

"(c) Nothing in this section shall preclude a county from requiring county-provided preplacement or postplacement foster parent training in excess of the requirements in this section."

(b) Repealed by Manual Letter No. CCL-08-08, effective 8/8/08

HANDBOOK ENDS HERE

NOTE: Authority cited: Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001); Sections 1530 and 1530.5, Health and Safety Code; Reference: Sections 1501, 1506, 1506.7, 1529.1, 1529.2 and 1562, Health and Safety Code; Sections 903.7 and 16001.9, Welfare and Institutions Code.

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89410	LIMITATIONS ON CAPACITY AND AMBULATORY STATUS	89410
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- (a) The caregiver shall not operate a home beyond the conditions and limitations specified in the license, including the capacity limitation.
- (b) The caregiver shall not accept more than two infants, including infants in the caregiver's family, without additional household help.
- (c) The caregiver shall not place nonambulatory children in any room approved to accommodate only ambulatory children.
 - (1) Children whose condition becomes nonambulatory shall not remain in rooms restricted to ambulatory children.
 - (2) The licensing agency shall have the authority to require children who are accommodated in ambulatory rooms to demonstrate that they are ambulatory.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1507, 1507.2, 1507.5, 1525.25, 1530.6, and 1531, Health and Safety Code.

89420	FIRE CLEARANCE	89420
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- (a) Prior to accepting a disabled child, or deciding to continue to provide services to a child determined after placement to have a disability, the caregiver shall notify the licensing agency so that a fire clearance, approved by the local fire authority having jurisdiction, can be obtained.

HANDBOOK BEGINS HERE

- (1) Health and Safety Code Section 13143 provides in pertinent part:

A fire clearance shall not be required if the foster family home is providing care for:

- (A) six or fewer ambulatory children, and/or
- (B) children two years of age or younger.

HANDBOOK ENDS HERE

- (b) The licensing agency shall approve postural supports only after the appropriate fire clearance has been secured.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1507.2, 1531, 1531.4, and 13143, Health and Safety Code.

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89372 PERSONAL RIGHTS (Continued) 89372

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89376 FOOD SERVICE (Continued)**89376**

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89379 ACTIVITIES**89379**

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89405 TRAINING REQUIREMENTS**89405**

- (a) Any time a child is in the home, at least one of the persons providing regular and routine care and supervision to the child shall have received current training in first aid and Cardiopulmonary Resuscitation (CPR). Training shall be obtained from an agency offering such training including, but not limited to, the American Red Cross, and shall be current and appropriate to the child's age and needs.
- (b) The caregiver is required to complete training as specified in Health and Safety Code Section 1529.2(b). In addition, the caregiver shall complete First Aid and CPR training as required in Section 89405(a).
- (1) Courses, seminars, conferences or training topics that will be accepted by the licensing agency to fulfill the training requirements in Health and Safety Code Section 1529.2(b)(3) and (4) include but are not limited to:
- (A) Child Development
 - (B) Recognizing and/or dealing with learning disabilities
 - (C) Infant care and stimulation
 - (D) Parenting skills
 - (E) Complexities, demands and special needs of children in placement
 - (F) Building self-esteem, for the caregiver or the children

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89405 TRAINING REQUIREMENTS (Continued)**89405**

- (G) Recordkeeping
- (H) Caregiver rights and grievance process
- (I) Licensing and placement regulations
- (J) Rights and responsibilities of foster family home providers

HANDBOOK BEGINS HERE

(2) Health and Safety Code Sections 1529.2(b) and (c) provides:

“(b) (1) Every licensed foster parent shall complete a minimum of 12 hours of foster parent training, as prescribed in paragraph (3), before the placement of any foster children with the foster parent, In addition, a foster parent shall complete a minimum of twelve hours of foster parent training annually as prescribed in paragraph (4) No child shall be placed in a foster family home unless these requirements are met by the persons in the home who are serving as the foster parents.

“(2) (A) Upon the request of the foster parent for a hardship waiver from the postplacement training requirement or a request for an extension of the deadline, the county may, at its option, on a case-by-case basis, waive the postplacement training requirement or extend any established deadline for a period not to exceed one year, if the postplacement training requirement presents a severe and unavoidable obstacle to continuing as a foster parent. Obstacles for which a county may grant a hardship waiver or extension are:

“(i) Lack of access to training due to the cost or travel required.

“(ii) Family emergency.

“(B) Before a waiver or extension may be granted, the foster parent should explore the opportunity of receiving training by video or written materials.

HANDBOOK CONTINUES

89405 TRAINING REQUIREMENTS (Continued)

89405

HANDBOOK CONTINUES

“(3) The initial preplacement training shall include, but not be limited to, training courses that cover all of the following.

“(A) An overview of the child protective system

“(B) The effects of child abuse and neglect on development

“(C) Positive discipline and the importance of self-esteem.

“(D) Health issues in foster care.

“(E) Accessing education and health services available to foster children.

“(F) The right of a foster child to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

“(4) The postplacement annual training shall include, but not be limited to, training courses that over all of the following:

HANDBOOK CONTINUES

89405 TRAINING REQUIREMENTS (Continued)

89405

HANDBOOK CONTINUES

“(A) Age-appropriate child development.

“(B) Health issues in foster care.

“(C) Positive discipline and the importance of self-esteem.

“(D) Emancipation and independent living skills if a foster parent is caring for youth.

“(E) The right of a foster child to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

"(5) Foster parent training may be attained through a variety of sources, including community colleges, counties, hospitals, foster parent associations, the California State Foster Parent Association's Conference, adult schools, and certified foster parent instructors.

“(6) A candidate for placement of foster children shall submit a certificate of training to document completion of the training requirements. The certificate shall be submitted with the initial consideration for placements and provided at the time of the annual visit by the licensing agency thereafter.

"(c) Nothing in this section shall preclude a county from requiring county-provided preplacement or postplacement foster parent training in excess of the requirements in this section."

(b) Repealed by Manual Letter No. CCL-08-08, effective 8/8/08

HANDBOOK ENDS HERE

NOTE: Authority cited: Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001); Sections 1530 and 1530.5, Health and Safety Code; Reference: Sections 1501, 1506, 1506.7, 1529.1, 1529.2 and 1562, Health and Safety Code; Sections 903.7 and 16001.9, Welfare and Institutions Code.

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89410	LIMITATIONS ON CAPACITY AND AMBULATORY STATUS	89410
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- (a) The caregiver shall not operate a home beyond the conditions and limitations specified in the license, including the capacity limitation.
- (b) The caregiver shall not accept more than two infants, including infants in the caregiver's family, without additional household help.
- (c) The caregiver shall not place nonambulatory children in any room approved to accommodate only ambulatory children.
 - (1) Children whose condition becomes nonambulatory shall not remain in rooms restricted to ambulatory children.
 - (2) The licensing agency shall have the authority to require children who are accommodated in ambulatory rooms to demonstrate that they are ambulatory.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1507, 1507.2, 1507.5, 1525.25, 1530.6, and 1531, Health and Safety Code.

89420	FIRE CLEARANCE	89420
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- (a) Prior to accepting a disabled child, or deciding to continue to provide services to a child determined after placement to have a disability, the caregiver shall notify the licensing agency so that a fire clearance, approved by the local fire authority having jurisdiction, can be obtained.

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- (1) Health and Safety Code Section 13143 provides in pertinent part:

A fire clearance shall not be required if the foster family home is providing care for:

- (A) six or fewer ambulatory children, and/or
- (B) children two years of age or younger.

HANDBOOK ENDS HERE

- (b) The licensing agency shall approve postural supports only after the appropriate fire clearance has been secured.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1507.2, 1531, 1531.4, and 13143, Health and Safety Code.

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